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Via ECF

The Honorable James Orenstein
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In re Payment Card Interchange Fee and Merchant
Discount Antitrust Litigation*, No. 05-md-01720 (MKB) (JO)

Dear Judge Orenstein:

We write on behalf of the Equitable Relief Class Plaintiffs (“ERCPs”) in *Barry’s Cut Rate Stores, Inc., et al. v. Visa, Inc., et al.*, No. 05-md-01720 (MKB) (JO) (“*Barry’s*”), to request an extension of the schedule for class certification, in that action. In this way, the ERCP briefing schedule will be synchronized with the schedule in the ongoing Direct Actions. All defendants in the *Barry’s* action agree to this request, as do the plaintiffs in the original Direct Action Plaintiff actions.¹ Under the current circumstances, we believe that the parties will benefit by having additional time for the preparation of these papers.

The deadline for the ERCP motion for class certification currently is August 17, 2020. We request that the schedule be modified as follows:

ERCPs will serve their motion for class certification and any supporting materials, including any expert reports in support of their motion, by September 22, 2020.

All parties will serve any papers in opposition to class certification, including expert reports, by December 18, 2020.

ERCPs will serve any reply papers in support of their motion for class certification by January 20, 2021.

¹ These actions include *7-Eleven, Inc. et al v. Visa Inc. et al.*, No. 1:13-cv-05746-MKB-JO (E.D.N.Y.); *Target Corp. et al v. Visa Inc. et al.*, No. 1:13-cv-05745-MKB-JO (E.D.N.Y.); *The Home Depot, Inc. et al. v. Visa Inc., et al.*, No. 16-CV-05507-MKB-JO (E.D.N.Y.); and *Visa U.S.A. Inc. et al. v. Sears Holdings Corp.*, No. 14-CV-6450 (MKB) (JO) (E.D.N.Y.).

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To the extent necessary, the plaintiffs and defendants in the *Barry's* action agree to negotiate in good faith concerning any further adjustment to the schedule. No other deadlines in the Court's prior orders would be affected by this modified schedule.

Plaintiffs in the other actions pending in MDL 1720 either do not object to or take no position on this request. The parties previously have sought several extensions of these deadlines, all of which the Court has granted.

Respectfully submitted,

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cc: All Counsel of Record (by ECF)